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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 TDN MONEY SYSTEMS, INC.,

Case No. 2:15-CV-2197 JCM (NJK)

8 Plaintiff(s),

ORDER

9 v.

10 EVERI PAYMENTS, INC.,

11 Defendant(s).

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13 Presently before the court is the matter of *TDN Money Systems, Inc. v. Everi Payments,*
14 *Inc., f/k/a Global Cash Access, Inc.*, case number 2:15-cv-02197-JCM-NJK.

15 On June 5, 2017, defendant Everi Payments, Inc., f/k/a Global Cash Access, Inc. filed a
16 motion requesting a two-month continuance of the current trial date. (ECF No. 81). Plaintiff TDN
17 Money Services, Inc. filed a response (ECF No. 82), to which defendant replied (ECF No. 83).

18 Defendant asserts that a continuance is needed due to trial counsel's unexpected scheduling
19 conflicts with discovery in a state court case. (ECF No. 81). Defendant states that pursuant to the
20 parties' stipulation resolving their dispute, the stay in the state court case was lifted (March 2017),
21 thereby triggering the discovery schedule. (ECF No. 81 at 2–3). Defendant asserts that “it
22 immediately moved this [c]ourt for a brief continuance” when the scheduling conflict became
23 apparent. (ECF No. 81 at 6).

24 In response, plaintiff argues that the motion should be denied because no conflict exists as
25 the state court action is not set to begin until April 2018. (ECF No. 82). Plaintiff further asserts
26 that defendant waited seven weeks after the alleged conflict arose to ask plaintiff's counsel for a
27 continuance, and nine weeks to file the instant motion. (ECF No. 82 at 3).

1 Pursuant to the pretrial order dated February 28, 2017, a jury trial is currently set for August
2 21, 2017. (ECF No. 76). The pretrial order expressly states that “[t]his order shall not be amended
3 except for by order of the [c]ourt pursuant to agreement of the parties or to prevent manifest
4 injustice.” (ECF No. 76 at 30).

5 In light of the foregoing, the court will deny defendant’s motion to continue trial (ECF No.
6 81). Plaintiff has not, and does not, agree to an amendment of the pretrial order, and defendant
7 has failed to show that an amendment would prevent manifest injustice.

8 Accordingly,

9 IT IS HEREBY ORDERED that defendant’s motion to continue trial (ECF No. 81) be, and
10 the same hereby is, DENIED.

11 DATED June 16, 2017.

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14 UNITED STATES DISTRICT JUDGE
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